PATENT APPLICATION
Docket No.: 15689.61

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of		)
	Yukihiko Okumura	)
Serial No.:	09/701,705	) Art Unit
		) 2611
Filed:	December 1, 2000	)
Conf. No.:	7195	)
For:	CHANNEL ESTIMATION DEVICE AND METHOD, DEMODULATION DEVICE AND METHOD, AND FADING FREQUENCY DECISION DEVICE AND METHOD	)
Examiner:	Qutbuddin Ghulamali	)
Customer No.:	22913	)

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully disagrees with the Examiner's statement of reasons for allowance as set forth in the communications mailed on December 16, 2010. The Applicant concurs with the Examiner's conclusion that the prior art does not suggest or render obvious the claimed invention. However, Applicant submits that it is the claim(s) as a whole, rather than any particular limitation(s), that makes each of the claims in the above-identified application allowable. No single limitation should be construed as the reason for allowance of a claim because it is each of the elements of the claim that distinguish the claim from the prior art and make it allowable.

Further, Claim 62 had been previously indicated as allowed, but in response to the Examiner's request, claims 62 and 63 (which depended upon claim 62) were cancelled from the application and claims 64, 65, and 67 were amended to depend upon claim 54. In a telephone discussion, the Examiner stated that "Claim 62 is substantially similar to claim 54." However, now-cancelled claim 62 was very different in limitations from the allowed claim 54, and, *arguendo*, even if similar, being similar to an allowed claim cannot be grounds for rejection. During a subsequent telephone discussion, the Examiner stated that claim 62 could be rejected on grounds similar to those used to reject claim 53 that was already cancelled. However, claim 62 is also very different in limitations from cancelled claim 53. Applicants believe that the Examiner may have misunderstood the now-cancelled claim 62 and submit that there is,

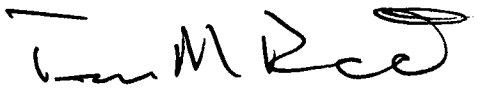
in fact, no ground for rejection of claim 62. Further, the rejection of claim 62 after a previous indication of allowance is abnormal, and Applicants are concerned that a proper examination for claim 62 may be problematic if undertaken in the future (such as, for instance, in a continuation application). Applicants reluctantly cancelled claim 62 and claim 63 depending on only claim 62 (in order to expedite issuance of the remaining claims), but cannot agree with the Examiner.

Additionally, in the preceding telephone discussion, the Examiner stated that claims 93–97 and 105–109 were substantially similar to previously cancelled claims 53 and 69. However, claims 93–97 correspond to allowed claims 64–68, respectively, and claims 105–109 correspond to allowed claims 80–84, respectively. Claims 64–68 formerly depended on not only claims 54 and 62, but also upon now-cancelled claim 53. Claims 80–84 depended on not only claims 70 and 78, but also upon now-cancelled claim 69. Since June 2007, the subject application has received eight office actions, but none of the actions rejected claims 64–68 depending on claim 53 or claims 80–84 depending on claim 69. In particular, office actions issued on October 12, 2009, and June 9, 2010, rejected claim 53 but allowed claims 64–68 depending on claim 53. Accordingly, Applicants made claims 93–97 corresponding to allowed claims 64–68 rewritten to incorporate the cancelled claim 53, and made claims 105–109 corresponding to allowed claims 80–84 rewritten to incorporate the cancelled claim 69. During the subsequent telephone discussion, however, the Examiner made an apparently irrelevant assertion, i.e., that claims 64–68 were dependent upon claim 62 – which he now stated should have been rejected.

Applicants believe that the Examiner misunderstands and there is, in fact, no proper ground for rejection of claims 93–97 and 105–109. The rejection after a previous indication of allowance is abnormal, and Applicants are concerned that proper examination for claims 93–97 and 105–109 may be problematic if undertaken in the future. Applicants reluctantly cancelled claims 93–97 and 105–109 (in order to expedite issuance of the remaining claims), but cannot agree with the Examiner.

Respectfully submitted,

Dated: March 14, 2011

By: 

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